

BEFORE THE  
**FEDERAL COMMUNICATIONS COMMISSION**  
WASHINGTON, DC 20554

*In the matter of*

Amendment of Section 73.202(b)  
FM Table of Allotments  
FM Broadcast Stations  
(Hot Springs, Clarksville,  
and Ozark, Arkansas

MM Docket No. 93-\_\_\_\_\_  
RM-\_\_\_\_\_

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AUG 30 1993

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To: Chief, Allocations Branch  
Policy and Rules Division  
Mass Media Bureau

**PETITION FOR RULEMAKING**

Now comes Kellstrom Broadcasting, Inc., licensee of Radio Station KLXQ(FM), Hot Springs, Arkansas, by its President, pursuant to the provisions of *Section 1.401* of the Commission's Rules, requesting that the Commission initiate a rulemaking proceeding looking toward the amendment of *Section 73.202(b)*, the *FM Table of Allotments*, for the communities of Hot Springs, Clarksville, and Ozark, Arkansas. The purpose of this request is to accomplish a) the deletion of the presently assigned FM Channel 244A and the amendment of the license of Radio Station KLXQ(FM) to specify operation on FM Channel 244C3, b) the deletion of the presently assigned FM Channel 244A at Ozark, Arkansas, presently occupied by Radio Station KDYN(FM), and the amendment of its license to specify operation on FM Channel 224A, and c) the deletion of the presently assigned FM Channel 224A at Clarksville, Arkansas, presently

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assigned to Radio Station KLYR(FM), and the amendment of its license to specify operation on FM Channel 245A. The proposed changes will allow Radio Station KLXQ(FM) to operate with an improved facility and will enable it to more fully serve its city of license and its environs. Insofar as the proposed changes allow an expansion of the aural services available to the public, these changes clearly serve the public interest.

The community of Hot Springs, Arkansas, is presently served by two Class C1 facilities and one Class A facility. The city has a population is 28,500 persons, and is located in Garland County, which has a population of 85,500 persons, according to the Rand McNally Commercial Atlas. The community and its environment are fully deserving of an upgraded channel as is being requested by Radio Station KLXQ(FM).

Should the Commission adopt this proposal and assign FM Channel 244C3 to Hot Springs, Arkansas, by amending the license of Radio Station KLXQ(FM), the licensee will promptly apply for the newly assigned channel, and if awarded the Construction Permit, will promptly construct the new facility.

In accordance with Commission Policy, the licensee agrees to reimburse the reasonable and prudent expenses incurred by Radio Station KLYR(FM) and KDYN(FM) in changing channels as required to implement the changes requested in this proposal, should the Commission issue a final *Report and Order* adopting the proposal submitted by Kellstrom Broadcasting, Inc.

As is more fully documented in the attached Engineering Statement, the proposed changes can all be accomplished in full compliance with the

Commission's technical Rules, including the minimum mileage requirements of *Section 73.207* and the city grade illumination requirements of *Section 73.315(a)*.

The proposed channel changes are mutually exclusive, and, therefore, are not subject to outside expressions of interest. Consequently, the proponent is not required to show any alternate channel availability to accommodate an outside expression of interest. See *Revision of FM Assignment Policies and Procedures*, 90 FCC2d 88, 51 RR2d 807 (1982).

WHEREFORE, it is respectfully requested that the *FM Table of Allotments* be amended as follows:

Community	Present	Proposed
Hot Springs, Arkansas	244A, 248C1 290C1	244C3, 248C1 290C1
Clarksville, Arkansas	224A	245A
Ozark, Arkansas	244A	224A

**WHEREFORE it is respectfully requested that the Commission**

**1. Issue a *Notice of Proposed Rulemaking* that proposes to amend the FM Table of Allotments with respect to the above captioned channel allotments.**

**2. Issue an *Order to Show Cause*, if any it has, to the licensee of Radio Station KLYR(FM), Clarksville, Arkansas, as to why its license should not be modified to specify operation on FM Channel 245A.**

**3. Issue an *Order to Show Cause*, if any it has, to the licensee of Radio Station KDYN(FM), Ozark, Arkansas, as to why its license should not be modified to specify operation on FM Channel 224A.**

**Respectfully submitted,  
Kellstrom Broadcasting, Inc.**

**by: /s/  
James Kellstrom, Its  
President**

**August 27, 1993**

**Kellstrom Broadcasting, Inc.  
Post Office Box Q  
Hot Springs, AR 71902  
(501) 623-1340  
Fax (501) 623-4069**

**CERTIFICATION**

**I, James Kellstrom, President of Kellstrom Broadcasting, Inc., under penalty of perjury, affirm that I have read the foregoing *Petition For Rulemaking*, and that the facts stated therein are true and correct to the best of my knowledge and belief.**

**/s/ \_\_\_\_\_  
James Kellstrom**

**August 27, 1993**

**Kellstrom Broadcasting, Inc.  
Post Office Box Q  
Hot Springs, AR 71902  
(501) 623-1340  
Fax (501) 623-4069**

## **CERTIFICATE OF SERVICE**

**I, James Kellstrom, do hereby certify that a copy of the foregoing *Petition For Rulemaking* was mailed, via US First Class Mail, postage prepaid, on this 27th day August 1993 to the following:**

**\*Federal Communications Commission  
Mass Media Services  
FM Allocations Branch  
1919 M Street NW  
Washington, DC 20554**

**Radio Station KDYN(FM)  
Ozark Communications, Inc.  
Post Office Box 1086  
Ozark, AR 72949**

**Radio Station KLYR(FM)  
Attn: Randall Forrester  
Post Office Box 188  
Clarksville, AR 72830**

**/s/ \_\_\_\_\_  
James Kellstrom**

**\* Via Federal Express**

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1. Issue a *Notice of Proposed Rulemaking* that proposes to amend the FM Table of Allotments with respect to the above captioned channel allotments.

2. Issue an *Order to Show Cause*, if any it has, to the licensee of Radio Station KLYR(FM), Clarksville, Arkansas, as to why its license should not be amended to specify operation on FM Channel 245A.

3. Issue an *Order to Show Cause*, if any it has, to the licensee of Radio Station KDYN(FM), Ozark, Arkansas, as to why its license should not be amended to specify operation on FM Channel 245A.

Respectfully submitted,  
Kellstrom Broadcasting, Inc.

by:


  
James Kellstrom, Its  
President

August 27, 1993

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James Kellstrom

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James Kellstrom

\* Via Federal Express

**Kellstrom Broadcasting, Inc.  
Post Office Box Q  
Hot Springs, AR 71902**

**PETITION TO  
AMEND THE FM TABLE OF ALLOTMENTS  
FM Channel 244C3  
Hot Springs, Arkansas  
August 1993**

STATE OF ILLINOIS            )  
                                  )  
COUNTY OF PEORIA            )       SS:

F. W. Hannel, after being duly sworn upon oath,  
deposes and states:

He is a registered Professional Engineer, by  
examination, in the State of Illinois;

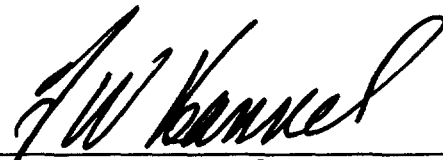
He is a graduate Electrical Engineer, holding Bachelor  
of Science and Master of Science degrees, both in Electrical  
Engineering;

His qualifications are a matter of public record and  
have been accepted in prior filings and appearances requiring  
scrutiny of his professional qualifications;

The attached Engineering Report was prepared by him  
personally or under his supervision and direction and;

The facts stated herein are true, correct, and  
complete to the best of his knowledge and belief.

August 27, 1993.



F. W. Hannel, P.E.

F. W. Hannel, PE  
911 Edward Street  
Henry, Illinois 61537  
(309) 364-3903  
Fax (309) 364-3775

**Kellstrom Broadcasting, Inc.  
Post Office Box Q  
Hot Springs, AR 71902**

**PETITION TO  
AMEND THE FM TABLE OF ALLOTMENTS  
FM Channel 244C3  
Hot Springs, Arkansas  
August 1993**

**ENGINEERING STATEMENT**

This firm has been retained by Kellstrom Broadcasting, Inc., licensee of Radio Station KLXQ(FM), Hot Springs, Arkansas, to prepare this Engineering Statement in support of its Petition To Amend the FM Table of Allotments, which seeks to have FM Channel 244A deleted from the community of Hot Springs, Arkansas; to have FM Channel 244C3 assigned to the community and to have the license for Radio Station KLXQ(FM) amended accordingly. In order to accomplish the substitution of FM Channel 244C3 for the presently assigned FM Channel 244A at Hot Springs, it is necessary that FM Channel 224A be substituted for FM Channel 244A at Ozark, Arkansas, and that FM Channel 245A be substituted for FM Channel 224A at Clarksville, Arkansas. It should be noted that the channel substitutions proposed in this rulemaking petition require incompatible channel substitutions, and in that regard, the Commission should not entertain any outside expressions of interest.

The community of Hot Springs, Arkansas, has a population of 28,500 persons, according to the 1990 Rand McNally Commercial Atlas. It is located in Garland County, which has a county population of 85,500 persons. The assignment of FM Channel 244C3 would provide the community with a wide

coverage area Class C3 facility. The requested assignment can be made without any major changes to the FM Table of Allotments. It is only necessary to change Radio Station KLYR(FM), Clarksville, Arkansas, from FM Channel 224A to FM Channel 245A and to change Radio Station KDYN(FM), Ozark, Arkansas, from FM Channel 244A to FM Channel 224A. All of the proposed changes result in allotments that are in full compliance with the Commission's Rules.

The community of Hot Springs, Arkansas, is located at U.S. Atlas coordinates N34-30-30, W93-03-12. A sample transmitter site located at geographic coordinates N34-26-50, W93-14-03, 17.9 km west of the city reference co-ordinates, fully satisfies the Commission's minimum mileage and city grade service requirements.

The proposed facility provides the city with the required 70 dbu signal illumination. The site to city reference coordinates is 17.8 km, and the city grade contour for a Class C3 facility extends approximately 24 km, assuming a smooth earth propagation medium, which 6.2 km beyond the city reference coordinates. In order to insure that the sample site would satisfy the city grade requirements utilizing actual terrain, the actual terrain elevations were calculated for the hypothetical transmitter site. At the sample site the actual average terrain, utilizing the NDGC 30 second database, is 183.6 meters. The bearing to the city reference co-ordinates is 68 degrees true, and the distance to the 70 dbu contour along this radial, assuming the proposed facility operates as a full Class C3 facility is 25.5 km. Therefore, the city grade contour extends 7.6 km beyond the city reference co-ordinates and fully encompasses the entire city limits.

Attached as Exhibit E-1 is an FM Channel study which shows that the hypothetical transmitter site for the proposed assignment of FM Channel 243C3 at Hot Springs, Arkansas, fully complies with the Commission's minimum mileage

requirements, with the lone exception of the presently assigned FM Channel 244A at Ozark, Arkansas. It is proposed that FM Channel 244A at Ozark, Arkansas, be changed to FM Channel 224A and that FM Channel 224A at Clarksville, Arkansas, be changed to FM Channel 245A.

Attached as Exhibit E-2 is an FM Channel Study for FM Channel 224A utilizing the present transmitter site co-ordinates for Radio Station KDYN(FM), Ozark, Arkansas. This study clearly demonstrates that FM Channel 224A can be substituted for FM Channel 244A at Ozark, Arkansas, provided FM Channel 224A at Clarksville, Arkansas, were relocated.

The facilities of Radio Station KLYR(FM), Clarksville, Arkansas, can be relocated to FM Channel 245A if KDYN(FM) is relocated to FM Channel 224A. Exhibit E-3 is an FM Channel Study which demonstrates that the assignment of FM Channel 245A can be made at the present transmitter site of Radio Station KLYR(FM).

Finally it should be noted that the relocated facilities of Radio Station KLYR(FM) on FM Channel 245A complies with the Commissions minimum mileage separation requirements with regard to the requested assignment of FM Channel 244C3 at Hot Springs, Arkansas. The facilities are first adjacent channels. The transmitter site co-ordinates for Radio Station KLYR(FM) at Clarksville, Arkansas, are N35-29-38, W93-32-21, and the hypothetical transmitter site for FM Channel 244C3 at Hot Springs, Arkansas, is N34 26-50, W93-14-03. The distance between these sites is 119.4 km, 66.4 km beyond the minimum mileage separation of 55 km as is required of first adjacent A to C3 channels under the provisions of Section 73.207 of the Commission's Rules.

In view of the foregoing, it is respectfully requested that the Commission amend the FM Table of Allotments as follows:

<u>Community</u>	<u>present</u>	<u>proposed</u>
Hot Springs, Arkansas	244A, 248C1 , 290C1	244C3, 248C1 , 290C1
Ozark, Arkansas	244A	224A
Clarksville, Arkansas	224A	245A

Adoption of the changes as proposed above will provide Radio Station KLXQ(FM) Hot Springs, Arkansas, with a wider coverage area capability. The requested changes clearly serve the public interest, for providing an improved aural service to a community is give high priority, and Commission licensee's are encouraged to provide their respective communities with the highest level services as is possible. The other communities involved in the proposed changes to the FM Table of Allotments receive equivalent channels so that they may also continue to serve their respective communities.

Kellstrom Broadcasting, Inc.  
Post Office Box Q  
Hot Springs, AR 71902

PETITION TO  
AMEND THE FM TABLE OF ALLOTMENTS  
FM Channel 244C3  
Hot Springs, Arkansas  
August 1993

EXHIBIT E-1

FM Channel 244C3  
Hot Springs, Arkansas  
N34-26-50  
W93-14-03

CALL	CITY	ST	CHN	CL	S	DIST	SEPN	BRNG	CLEARANCE
ALC	Mena	AR	242	C1	U	97.0	76.0	280.8°	21.0
KOUA	Mena	AR	242	C1	C	97.0	76.0	280.8°	21.0
KLRAFM	England	AR	243	A	L	115.3	89.0	84.6°	26.3
ALC	England	AR	243	C3	V	101.8	99.0	85.7°	2.8
KLRAFM	England	AR	243	C3	A	99.0	99.0	87.5°	-0.0
KDEWFM	De Witt	AR	244	A	L	174.4	142.0	96.5°	32.4
KAWWFM	Heber Springs	AR	244	A	L	156.6	142.0	44.3°	14.6
KLXQ	Hot Springs	AR	244	A	L	18.9	142.0	59.6°	-123.1
KDYNFM	Ozark	AR	244	A	L	129.9	142.0	332.5°	-12.1
ALC	Hot Springs	AR	244	A	U	18.9	142.0	59.6°	-123.1
ALC	Ozark	AR	244	A	U	129.9	142.0	332.5°	-12.1
KBEL	Idabel	OK	244	A	L	159.0	142.0	246.8°	17.0
ALC	Newport	AR	244	C2	V	205.0	177.0	55.9°	28.0
ALC	Idabel	OK	244	C3	V	159.0	153.0	246.8°	6.0
ALC	Idabel	OK	244	C3	V	159.0	153.0	246.8°	6.0
ALC	Maumelle	AR	245	A	V	89.0	89.0	58.9°	-0.0
NEW	Maumelle	AR	245	A	A	89.2	89.0	61.6°	0.2

All distances in kilometers



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PETITION TO  
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FM Channel 244C3  
Hot Springs, Arkansas  
August 1993

EXHIBIT E-2

FM Channel Study  
Channel 245A  
N35 29 38 W 93 32 21  
Radio Station KLYR(FM)  
Clarksville, Arkansas

CALL	CITY	ST	CHN	CL	S	DIST	SEPN	BRNG	CLEARANCE
KDYNFM	Ozark	AR	244	A	L	32.0	72.0	268.5°	-40.0
ALC	Ozark	AR	244	A	U	32.0	72.0	268.5°	-40.0
ALC	Pittsburg	KS	245	C1	U	232.0	200.0	330.4°	32.0
KKOWFM	Pittsburg	KS	245	C1	L	232.0	200.0	330.4°	32.0
ALC	Maumelle	AR	245	A	V	125.0	115.0	124.1°	10.0
NEW	Maumelle	AR	245	A	A	128.9	115.0	124.9°	13.9
KMMY	Muskogee	OK	246	C	L	172.8	165.0	262.3°	7.8
ALC	Muskogee	OK	246	C	U	172.8	165.0	262.3°	7.8

All distances in kilometers

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**PETITION TO  
AMEND THE FM TABLE OF ALLOTMENTS  
FM Channel 244C3  
Hot Springs, Arkansas  
August 1993**

**EXHIBIT E-3**

FM Channel Study  
Channel 224A  
N35 29 10 W 93 53 29  
Radio Station KDYN(FM)  
Ozark, Arkansas

CALL	CITY	ST	CHN	CL	S	DIST	SEPN	BRNG	CLEARANCE
KKEG	Fayetteville	AR	221	C3	A	71.2	42.0	353.1°	29.2
ALC	Fayetteville	AR	221	C3	V	77.8	42.0	353.9°	35.8
KEZU	Booneville	AR	221	A	L	41.8	31.0	181.4°	10.8
KKEG	Fayetteville	AR	221	A	L	70.3	31.0	336.1°	39.3
ALC	Roland	OK	222	A	U	55.6	31.0	268.4°	24.6
KYUC	Roland	OK	222	A	C	56.3	31.0	268.6°	25.3
ALC	Heavener	OK	223	A	U	92.6	72.0	224.4°	20.6
KPRVFM	Heavener	OK	223	A	L	90.1	72.0	223.7°	18.1
ALC	Clarksville	AR	224	A	U	32.0	115.0	88.5°	-83.0
ALC	Conway	AR	224	A	U	140.8	115.0	107.1°	25.8
KLYRFM	Clarksville	AR	224	A	L	32.0	115.0	88.5°	-83.0
KTODFM	Conway	AR	224	A	L	140.8	115.0	107.1°	25.8
KTODFM	Conway	AR	224	A	A	140.8	115.0	107.1°	25.8
KESE	Seligman	MO	227	C1	A	111.8	75.0	346.8°	36.8

All distances in kilometers